

Press Release on Markey-Barton Bill, HR 3320 - Nov. 10, 1999

**REPS. MARKEY AND BARTON
INTRODUCE BIPARTISAN
"CONSUMER'S RIGHT TO FINANCIAL PRIVACY ACT"
"OPT-IN" SUPPORTED BY PUBLIC**

WASHINGTON- Representative Edward J. Markey (D-MA), the Ranking Democratic on the Commerce Committee's Subcommittee on Telecommunications, Trade and Consumer Protection, and Representative Joe Barton (R-TX) a senior Republican Member of the Commerce Committee, today introduced legislation aimed at strengthening the consumer financial privacy protections in the Gramm-Leach-Bliley Act (S. 900), which cleared the Congress last Thursday. Identical financial privacy legislation is being introduced in the Senate today by Senator Richard Shelby (R-AL) and Richard Bryan (D-NV).

"By introducing this bill before the Gramm-Leach-Bliley Act has even been signed into law, we are signaling our determination to assure that consumers are given the right to say "No" to their bank, their broker, or their insurance company selling or sharing their family's financial secrets with other companies," said Rep. Markey, adding, "The public supports this principle unequivocally; Congress needs to stop equivocating."

Rep. Barton said, "No issue before Congress is more important to fundamentally address than each American's right to privacy. Under the Markey-Barton bill, consumers will be provided the protections of notice, access and consent. Financial institutions would have to notify consumers before sharing their personal information, provide the consumer access to that information to confirm its validity, and most importantly, would have to gain express consent from the consumer before any personal information could be shared. These measures put the privacy decision back where it belongs -- with the individual."

The Markey-Barton bill would amend the privacy provisions of the Gramm-Leach-Bliley Act in order to:

- require a financial institution to obtain a consumer's permission before it could disclose nonpublic personal information to affiliates or third parties;
- prevent a financial institution from denying service to consumers for exercising their right to say "No" to having their personal financial information sold or transferred to others;
- give consumers the right to obtain access to the personal information that a financial institution has collected about them and is selling or sharing with others, and to secure correction of any inaccurate information;
- strengthen the enforcement provisions by giving the FTC authority to issue rules under the Gramm-Leach-Bliley Act and under the Fair Credit Reporting Act with respect to certain non-depository institutions and by giving the State Attorneys General enforcement authority; and,
- close various exemptions from the notice, disclosure, consumer consent, and other provisions of the Act.

Copies of the Markey-Barton bill, along with a short section-by-section analysis of the bill's provisions, can be obtained from Rep. Markey or Rep. Barton's offices. Rep. Barton concluded, "This is an issue that will not go away until it is properly addressed, and the Markey-Barton bill will do that." Rep. Markey added, "Consumers want companies to have to get their permission - to "Opt-in" -- before selling or sharing their financial records with others. We already provide for an "opt-in" before a company can sell a consumer's tax returns, their video rental information, their cable TV viewing

records, their phone calls, their driver's license information, or cellular phone tracking data to others. The Markey-Barton bill would assure that a consumer's financial records get no less privacy protection than their video rentals."